



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Crl.O.P.[MD]No.2993 of 2019

and

Crl.M.P.(MD)No.1642 of 2019

1.R.Rukmani

2.R.Sugumaran @ Sugumar

: Petitioners/A1 and A2

Vs.

1.State represented by

The Sub-Inspector of Police,
D-2, Perungudi Police Station,
Madurai District.

(in Crime No.116 of 2016)

: Respondent/Complainant

2.A.Valivittan

: Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the first information report in Crime No.116 of 2016 on the file of the first respondent and quash the same.

For Petitioners : Mr.C.M.Arumugam

For R-1 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.Side)

ORDER

The present petition is filed to quash the FIR in Crime No.116 of 2016 on the file of the first respondent police.

2.Heard the learned Counsel for the petitioners and the learned Government Advocate appearing for the respondent police.

3.When the matter was posted for hearing on 27.02.2019, the learned Government Advocate (Crl.Side) submitted that the investigation in this case is completed and the final report has been laid before the learned Judicial Magistrate No.VI, Madurai. However, the same was returned for compliance on some defects. This Court, therefore, wanted the concerned Chief Judicial Magistrate to come out with his remarks on the said statement of the learned Government Advocate.



4.Today (ie., 26.03.2019), remarks has been received, which shows that the final report in Cr.No.116 of 2016 has been laid on 27.02.2019 and since it contains some carbon copies of documents, the same was returned.

5.The learned Counsel for the petitioner submitted that it is the case hit by Section 468 of Cr.P.C.

6.If the limitation period prescribed under Section 468 of Cr.P.C. is to interfere in the Court taking cognizance of offence on the basis of the final report, it is directed that the cognizance shall not be taken unless the prosecution comes out with necessary application for condoning the delay. Both the victim of the offence as well as the accused must be heard on such application, if any application filed.

7.Subject to the above direction / observation, this petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P&A)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Sub-Inspector of Police,
D-2, Perungudi Police Station,
Madurai District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.C.M.ARUMUGAM, Advocate in SR-57058

CrI.O.P.[MD]No.2993 of 2019
26.03.2019

cmr
PK/22.04.2019 : 2P/4C